

To: Sisk, Richard[Sisk.Richard@epa.gov]
From: Way, Steven
Sent: Thur 10/22/2015 7:39:47 PM
Subject: RE: SMPA EASEMENTS

Intend to say the Deed.

Steven Way

Federal On-Scene Coordinator

Emergency Response Unit

US EPA - Region 8

1595 Wynkoop Street

Denver, CO 80202

Office: 303-312-6723

From: Sisk, Richard
Sent: Thursday, October 22, 2015 1:17 PM
To: Way, Steven
Cc: Rudy, Michael
Subject: RE: SMPA EASEMENTS

Steve – What do you mean when you say you have pulled the title? An abstract of title generally includes every recorded document that has ever listed a property all the way back to patent. I assume you haven't done that?

Richard Sisk
Attorney
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From: Way, Steven
Sent: Thursday, October 22, 2015 1:12 PM
To: Sisk, Richard
Subject: RE: SMPA EASEMENTS

We have pulled the Herbert title and can send it to whomever – Power co, or ... We're working on the LCM

Steven Way

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From: Sisk, Richard
Sent: Thursday, October 22, 2015 12:50 PM
To: David A. Cook (lawbydave@gmail.com)
Cc: Way, Steven; Rudy, Michael
Subject: FW: SMPA EASEMENTS

Dave – EPA heard back from San Miguel Power (SMPA). They are unwilling to accept the easement as edited by Mr. Hennis, see comments below. SMPA has sent a redraft, see above, that they would be willing to accept. Please let us know if your client is willing to sign this redrafted easement.

In regards to the warranty of title issue, is there some way that EPA could help with this issue using some of the title documents pulled for EPA's PRP search report?

The concerns number 2 & 3 below arose from the adjoining properties draft easement.

I realize this is awkward trying to negotiate an easement this way. Please let me know how EPA can assist.

Richard Sisk
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Begin forwarded message:

From: "Matt Francis" <m.francis@erllc.com>
To: "Way, Steven" <way.steven@epa.gov>, "Guy, Kerry" <Guy.Kerry@epa.gov>
Subject: Fwd: SMPA EASEMENTS

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Jeremy Fox <jeremy@smpa.com>
Date: 10/21/2015 9:56 AM (GMT-06:00)
To: Matt Francis <m.francis@erllc.com>
Cc: Duane DeVeney <Duane@smpa.com>
Subject: SMPA EASEMENTS

Mr. Francis,

Duane forwarded the easement documents that you sent to him regarding a project for the Gold King Mine and a proposed primary power extension. While we are amenable to small wording changes if approved, SMPA cannot agree to the proposed changes to our standard underground easement. I have several concerns addressed below...

- 1 SMPA requires that the Grantor(s) warrant title to the easement area. Depending on the nature of the prior encumbrances, this warranty may be subject to those matters.
- 2 There is no Grantor listed for the LCM Mill Site on the second attachment.
3. SMPA will not agree to the addendum wording. You will be responsible for contacting SMPA upon any type of termination requests of an existing easement. Relinquishment of an existing easement must be board approved.

I have consulted with our legal counsel and attached new drafts that SMPA is willing to accept. Please have these attachments signed and notarized. SMPA will file the attached exhibit with both easements. I understand the project is under stress to move forward and hope this is not a major set-back, however we must have the proper easements in place before installing SMPA facilities.

Thank You,

Jeremy Fox
Service Planning Supervisor

[SMPA Logo 4Color Sml]

San Miguel Power is an equal opportunity provider & employer.

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This message contained an attachment which the administrator has caused to be removed.

***** ATTACHMENT REMOVED

Attachment name: [image001.jpg]
Attachment type: [image/jpeg]